

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

LEVI BAGGERLY, #2064414,

Plaintiff,

v.

KEITH GORSUCH, et al.,

Defendants.

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Case No. 6:20-cv-386-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**


This action was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On October 14, 2020, the Magistrate Judge issued a Report and Recommendation (Docket No. 15), recommending that the Court grant Plaintiff's motion to voluntarily dismiss pursuant to Federal Rule of Civil Procedure 41(a)(1) (Docket No. 14) and dismiss Plaintiff's case without prejudice.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for

clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 15) as the findings of this Court. It is therefore **ORDERED** that Plaintiff's motion to dismiss (Docket No. 14) is **GRANTED** and this case is **DISMISSED WITHOUT PREJUDICE**, pursuant to Federal Rule of Civil Procedure 41(a)(1).

So **ORDERED** and **SIGNED** this **9th** day of **December, 2020**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE